

## **Senate Bill No. 538**

### **CHAPTER 190**

An act to amend Section 31663.15 of the Government Code, relating to county employees' retirement.

[Approved by Governor October 11, 2009. Filed with  
Secretary of State October 11, 2009.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 538, Committee on Public Employment and Retirement. County employees' retirement: mandatory retirement.

The County Employees Retirement Law of 1937 provides a comprehensive set of rights and benefits for county and district employees who are members of a retirement system subject to that law. That law permits a county to require sheriffs, undersheriffs, and marshals who are safety members to be retired at 60 years of age or 70 years of age. Existing law, applicable in Los Angeles County, provides that a safety member is not subject to those mandatory retirement provisions if a physician employed or approved by the county certifies that the member is capable of performing his or her assigned duties pursuant to standards set forth by the member's employer.

This bill would require Los Angeles, after having adopted these provisions, to provide a safety member who is on a disability leave of absence the opportunity to receive the physician certification described above upon return from his or her leave.

*The people of the State of California do enact as follows:*

SECTION 1. Section 31663.15 of the Government Code is amended to read:

31663.15. (a) Sections 31662.4, 31662.6, 31662.8, and 31663 shall not apply to a person who is an active safety member described in Section 31469.3 or 31470.4 if a physician employed or approved by the county certifies that the safety member is capable of performing his or her assigned duties pursuant to standards set forth by the member's employer.

(b) This section shall also apply to a member who reinstates from retirement pursuant to Section 31680.8.

(c) A county that adopts this section shall provide a safety member who is on a disability leave of absence the opportunity to receive the physician certification described in subdivision (a) upon return from his or her leave, and that member shall not be subject to mandatory retirement pursuant to Section 31662.4, 31662.6, or 31662.8 prior to receiving that opportunity.

(d) This section applies only to a county of the first class, as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.

(e) This section shall not be operative in any county until the board of supervisors shall, by resolution adopted by a majority vote, make this section and Section 31680.8 applicable in the county. The resolution of the board of supervisors may designate a date, which may be prior to the date of the resolution or the effective date of this section, upon which the resolution and this section shall be operative in the county, and may further provide that a member, described in Section 31470.4, who retired pursuant to Section 31662.4 or 31662.6, prior to April 1, 2007, is not eligible to reinstate from retirement pursuant to Section 31680.8.